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7 **UNITED STATES BANKRUPTCY COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**
9 **LOS ANGELES DIVISION**

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11 In re
12 Terrance Alexander Tomkow,
13 Debtor.

Case No.: 2:13-bk-19712-WB
Adv. No.: To be assigned

Chapter 13

14 **COMPLAINT FOR MANDATORY
SUBORDINATION AND DISALLOWANCE
OF CLAIM**
[11 U.S.C. §§ 502(b)(1); 510(b)]

15 Terrance Alexander Tomkow,
16 Objecting Party,
17 vs.
18 Kenneth Barton,
19 Claimant.

Date: To be set
Time: To be set
Place: Courtroom 1375; Judge Brand
US Bankruptcy Court
255 E. Temple Street, 13th Floor
Los Angeles, CA 90012

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21 Terrance Alexander Tomkow (“Debtor” or “Plaintiff”), herein complains against Kenneth
22 Barton (“Barton”) as follows:

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STATEMENT OF JURISDICTION, PARTIES AND PROCEEDINGS

1. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. §§ 157(b)(1)
2 and 1334(a), as this is a core proceeding under 28 U.S.C. § 157(b)(2)(B). Venue properly lies in
3 this judicial district pursuant to 28 U.S.C. § 1409(a), in that the instant proceeding is related to a
4 case under title 11 of the United States Code which is still pending.

2. This is a proceeding under Federal Rules of Bankruptcy Procedure 3007(b) and
7001(8).

3. Plaintiff is a chapter 13 debtor.

4. Barton is a creditor of Debtor having filed proof of claim # 9 in Debtor's case.

CLAIM FOR RELIEF

**(Mandatory Subordination Pursuant To 11 U.S.C. § 510(b) and
Disallowance under 502(b)(1))**

5. Plaintiff realleges and incorporates herein by reference each and every allegation
13 contained in paragraphs 1 through 4 as though set forth in full.

6. Debtor is an affiliate of RPost International Limited ("RIL") and has held in excess
15 of 20% of the RIL voting shares since at least 2006.

7. Barton's claim # 9 is a claim for damages arising from the purchase or sale of a
17 security consisting of common stock of an affiliate of the Debtor.

8. Pursuant to 11 U.S.C. § 510(b), Barton's claim is subject to mandatory
20 subordination and shall be treated with the same priority as common stock. Debtor has no equity
21 security interests.

9. Barton's claim is unenforceable against the Debtor or property of the Debtor and is
22 subject to disallowance under 11 U.S.C. § 502(b)(1).

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1 **WHEREFORE**, Plaintiff prays for judgment as follows:

- 2 1. Mandatory subordination and disallowance of Barton's proof of claim # 9.
3 2. For such other and further relief as the Court deems just and proper.

4 Dated: October 1, 2013

Horgan, Rosen, Beckham & Coren, LLP
Lewis R. Landau

6 By:/s/ Lewis R. Landau
7 Lewis R. Landau
8 Attorneys for Debtor

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